

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Latoya Crawford,)	
)	
Plaintiff,)	
)	Civil Action, Case No.: _____
v.)	
)	JURY DEMANDED
)	
Fan 6590, LLC,)	
<i>a Tennessee Corporation.</i>)	
)	
Defendant.)	

**VERIFIED COMPLAINT FOR VIOLATION OF
THE FAIR LABOR STANDARDS ACT**

COMES NOW Plaintiff Latoya Crawford (hereinafter referred to as "Ms. Crawford" or "Plaintiff"), by and through counsel, and for her Complaint against Defendant Fan 6590, LLC, (hereinafter referred to as "Fan" or "Defendant") states as follows.

NATURE OF THE COMPLAINT

1. Ms. Crawford brings this action against Fan 6590, LLC, a Tennessee corporation, for the violation of federal law, specifically the Emergency Paid Sick Leave Act (EPSLA) and the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*

2. Ms. Crawford seeks declaratory relief; back pay; and liquidated damages and/or other damages as permitted by applicable law; in addition to attorney's fees and expenses incurred in this action.

PARTIES

3. Ms. Crawford is a resident of Memphis, Shelby County, Tennessee.

4. At all relevant times, Ms. Crawford was an employee of Defendant for FLSA purposes.

5. Defendant Fan 6590, LLC, is a Tennessee corporation and may be reached for service through its registered agent, Sherman Fan, 1092 Center Ridge Rd., Collierville, TN 38017.

6. Defendant was Ms. Crawford's employer at all times pertinent to this complaint.

JURISDICTION AND VENUE

7. This action for damages is brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* This Court has federal question subject matter jurisdiction pursuant to 29 U.S.C. §§ 216(b) and 217.

8. Defendant is a legal entity incorporated in the State of Tennessee. Therefore, this Court has personal jurisdiction over Defendant.

9. Defendant does business in the Western District of Tennessee. Furthermore, a substantial part of the events giving rise to Ms. Crawford's claims occurred in the Western District of Tennessee. Thus, pursuant to 28 U.S.C. § 1391(b), venue for this action properly lies in the Western District of Tennessee.

FACTUAL BACKGROUND

10. Defendant employed Ms. Crawford as Department Manager at its Hickory Hill/Ridgeway McDonald's location from March 7, 2020 to July 22, 2020.

11. In late April of 2020, Ms. Crawford began to feel ill and was concerned she had contracted COVID-19.

12. Ms. Crawford was tested for COVID-19 and, after properly notifying her manager, Sherman Fan, remained off of work for one week awaiting the results.

13. Defendant forced Ms. Crawford to apply her regularly accrued sick pay for this leave.

14. Later, in July of 2020, Ms. Crawford again began experiencing symptoms of COVID-19. Ms. Crawford, after properly notifying her employer, took another week of sick leave for testing.

15. Upon returning from quarantine, Defendant failed to compensate Ms. Crawford for her sick leave.

COUNT I
FAILURE TO PROVIDE REQUIRED COMPENSATION IN VIOLATION OF THE
EMERGENCY PAID SICK LEAVE ACT AND THE FLSA

16. Ms. Crawford re-alleges and incorporates herein the allegations contained in Paragraphs 1 through 15 as if they were set forth fully herein.

17. Upon information and belief, at all relevant times, Defendant has been, and continues to be, an “employer” engaged in the interstate “commerce” and/or in the production of “goods” for “commerce” within the meaning of the FLSA, 29 U.S.C. § 203.

18. Upon information and belief, at all relevant times, Defendant has employed and/or continues to employ “employee[s],” such as Ms. Crawford.

19. The Emergency Paid Sick Leave Act, a law passed under the Families First Coronavirus Response Act, requires that an employer shall provide each employee paid sick time to the extent that the employee is experiencing COVID-19 symptoms and seeking a medical diagnosis. H.R. 6201.

20. Under the Emergency Paid Sick Leave Act an employer who violates this act shall, “be considered to have failed to pay minimum wages in violation of section 6 of the Fair

Labor and Standards Act of 1938 and be subject to the penalties described in sections 16 and 17 of such Act". H.R. 6201.

21. Ms. Crawford was experiencing COVID-19 symptoms and seeking a medical diagnosis. Once Defendant was put on notice, it was required to provide Ms. Crawford with eighty (80) hours of paid sick leave as a full-time employee at her regular rate.

22. Ms. Crawford was not, during the entirety of her employment with Defendant, exempt from the Emergency Paid Sick Leave Act under the FLSA and was thus entitled to be paid emergency sick leave.

23. Defendant did not provide Ms. Crawford with this required paid sick leave and as a result violated Section 6(a)(1) of the FLSA.

24. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;
2. Pre-Judgment interest, as provided by law;
3. An award of money damages for back pay; and liquidated damages and/or other damages as permitted by applicable law, in an exact amount to be determined at trial;
4. Award of money to Ms. Crawford for costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees; and
5. Any and all such other and further legal and equitable relief as this Court deems necessary, just, and proper.

DEMAND FOR JURY TRIAL

Plaintiff Latoya Crawford hereby demands a jury trial on all causes of action and claims with respect to which she has a right to jury trial.

Respectfully submitted,

s/Philip Oliphant

Alan G. Crone, TN Bar No. 014285

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Attorneys for Plaintiff

DECLARATION AND VERIFICATION

I, Latoya Crawford, verify and declare that the facts stated in the forgoing Verified Complaint for violation of the Fair Labor Standards Act are true to the best of my knowledge and belief, and that the Complaint was not made out of levity or by collusion with Defendant, but in sincerity and truth for the causes mentioned in the Complaint.



Latoya Crawford

10 / 06 / 2020

Date



Audit Trail

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